

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

JEWELLEAN MOORE  
ARTHUR CARSON

PLAINTIFFS

v.

No. 4:21-cv-352-DPM

WANDA C. MERRITT, Regional  
Director-HUD; TERMENKA L. HUBBARD,  
Manager of the Cottage Apt.; and ENVOLVE  
MANAGEMENT CO.

DEFENDANTS

ORDER

Moore and Carson have amended their complaint. The Court must screen it, 28 U.S.C. § 1915(e)(2), to determine whether this amended complaint cures the jurisdictional problem that the Court identified in their original complaint. *Doc. 5*. It does not. No plausible federal claim against Merritt exists. The Housing Authority of the City of Little Rock d/b/a Metropolitan Housing Alliance is the party that owed Moore and Carson due process. 42 U.S.C. § 1437d; 24 C.F.R. § 982.55. The Court noted this in its original Order. *Doc. 5 at 3*. Moore and Carson, however, did not name the Housing Authority in their amended complaint. They say, again, that they complained to Merritt, the HUD Regional Director, and the FHA Resource Center. The Court does not doubt that they did so. Moore and Carson attach FHA emails from June and October 2020 acknowledging their requests for

assistance. These FHA emails alerted Moore and Carson that they needed to contact their local Housing Authority to resolve any complaints. Their amended complaint is silent about whether they pursued their administrative remedies. Putting that matter to one side, the problem is the Housing Authority's absence as a defendant. Moore does say a bit more about her disabilities and alleges a failure to accommodate. This is a conclusory allegation, though. It is unsupported by specific facts that might show a plausible claim. *Mick v. Raines*, 883 F.3d 1075, 1079 (8th Cir. 2018)

Moore and Carson had an adversarial relationship with Hubbard, who manages the Cottage apartments. Their only plausible federal claim, their due process claim, runs against the Housing Authority, which they have again not sued. This Court therefore lacks subject matter jurisdiction.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.  
United States District Judge

16 August 2021